#### STATUTORY INSTRUMENTS

## 2005 No. 1981

# LAND CHARGES, ENGLAND AND WALES

The Land Charges (Amendment) Rules 2005

Made - - - - 18th July 2005

Coming into force in accordance with rule 1

The Lord Chancellor, in exercise of the powers conferred upon him by section 16(1) of the Land Charges Act 1972(1) and section 32 of, and paragraph 4(4) of Schedule 4 to, the Family Law Act 1996(2), hereby makes the following rules:

#### Citation and commencement

1. These rules may be cited as the Land Charges (Amendment) Rules 2005 and shall come into force on the day that paragraph 2 of Schedule 9 to the Civil Partnership Act 2004(3) comes into force.

#### Interpretation

2. In these rules "the principal rules" means the Land Charges Rules 1974(4).

### Amendment to rule 11 of the principal rules

- **3.**—(1) In rule 11(i) of the principal rules, for "rights of occupation" substitute "home rights".
- (2) In rule 11(ii) of the principal rules, for "section 5(1) of the Matrimonial Homes Act 1967" substitute "paragraph 4(1) of Schedule 4 to the Family Law Act 1996" and for "section 5(3)" substitute "paragraph 4(3) of that Schedule".

### Amendment to Schedule 1 to the principal rules

**4.** In paragraph 1(vi) of Schedule 1 to the principal rules, for "section 2(2) of the Matrimonial Homes Act 1967" substitute "section 33(5) of the Family Law Act 1996".

<sup>(1) 1972</sup> c. 61.

<sup>(2) 1996</sup> c. 27.

<sup>(</sup>**3**) 2004 c. 33.

<sup>(4)</sup> S.I.1974/1286; no relevant amending instruments.

### Amendment to Schedule 2 to the principal rules

**5.** For Forms K2, K8 and K13 in Schedule 2 to the principal rules, substitute respectively Forms K2, K8 and K13 in the Schedule to these rules.

Signed by authority of the Lord Chancellor

Cathy Ashton
Parliamentary Under Secretary of State,
Department for Constitutional Affairs

### SCHEDULE Rule 5

### SUBSTITUTED FORMS IN SCHEDULE 2 TO THE PRINCIPAL RULES

Application for registration of a Land Charge of Class F Application is hereby made for the registration of a Land Charge of Class F in respect of the following particulars  1. Is there are specially registrated or significant of a Land Charge of Class F in respect of the following particulars  1. Is the area symboting registration of a Land Charge of Class F in the supervision of particulars of the supervision of a Land Charge of Class and the supervision of the s		Form K2			nd Charges Act		Fee pa	nel e is to be	
Application is hereby made for the registration of a Land Charge of Class F in respect of the following particulars I is there any substance rights of occepation under the Matrimonial Homes Act 1967 or 1933 or home rights under the Family Law Act 1969 which affects a dwelling-house other than that referred to in this application?  VerNos (defice a application):  (a) Give address of such dwelling-house  (b) If the substance registration is: (i) under the Land Charges Act 1925 or 1972 give the Official reference number and date of registration and address  Person entitled to benefit of the charge  Enter full name and address  Person entitled to benefit of the charge  Complete if applicable  Person entitled to benefit of the charge  F if application is made pursuant to a Priority Notice please state its official reference number  Particulars of dwelling-house County District Known as  Particulars of estate owner Forenames(a)  Surname  Title, Trade or Profession Address  Key number  If no Solicitor's name and address Solicitor's reference  If no Solicitor's reference  If we certify that the dwelling-house in this application is not registered at Land Registry.		, ,				debited	to your		
Very No elector as application?		Application is hereby made for the registration of a Land Charge of Class				a cross (			
Complete if applicable   Particulars of court order   By an order of the made under s.33(5) of the Family Law Act 1996 it was directed that   Particulars of dwelling-house country		under the Fami Yes/No (delete 2. If "Yes"	ly Law Act 1996 which a e as applicable).	ffects a dwelling-l	ouse other than that re	ferred to	in this appl	1983 or hom ication?	e rights
Enter full name and address    Particulars of court order   By an order of the and		(i) under give th registr	the Land Charges Act 19 ne Official reference numb ation.		give house	litle nun is regist	nber under v		
Enter full name and address    Particulars of court order   By an order of the and		Particulars to	o be registered						
Complete if applicable  By an order of the	and			he charge					
Notice please state its official reference number	Complete if applicable	By an order of the Court dated and							
Notice please state its official reference number									
County District Known as  Particulars of estate owner Forename(s) Surname Title, Trade or Profession Address  Key number I Solicitor's name and address If no Solicitor is acting enter applicant's name and address Solicitor's reference  I/We certify that the dwelling-house in this application is not registered at Land Registry.		F							
Forename(s) Surname Title, Trade or Profession Address  Key number  Solicitor's name and address If no Solicitor is acting enter applicant's name and address Solicitor's reference  I/We certify that the dwelling-house in this application is not registered at Land Registry.		County District	f dwelling-house	•					
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Solicitor's reference  I/We certify that the dwelling-house in this application is not registered at Land Registry.									
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	Application for the renewal of a Charge of Class F  Application is hereby made for the renew	al of the registration of a Lan	6) If the debi cred a cred box	e panel e fee is to b ted to your it account p oss (X) in the	put
Enter full name(s) and address(es)	Persons entitled to benefit of the				
	By an order of the	Court date at 1996 it was directed that	ed		and
	Particulars of the entry t	o be renewed			
	F	the original Official reference no.	ber and date of all registration  Date of registration  Day Month Year		
Only one individual or body to be entered.	Particulars of estate owner Forename(s) Surname		For offic	ial use onl	у
	Key number		1		1
Solicitor's name and address (including postcode) If no Solicitor is acting enter applicant's			*C	5	6
name and address (including postcode)	Solicitor's reference:	Ī			-
I/We certify that the dw	elling-house in this application is	not registered at Land	Registr	y.	
Signature of solicitor or applicant De					

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		for cancellation of a L	Land Charges Act 197 (Family Law Act 1996 and Charge of Class I	debite credit put a	fee is to be d to your account					
Enter full name and address(es) of applicant(s)	of									
	hereby apply for cancellation in the register of the entry referred to below.  Signature Date									
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		Insert number and date of Official reference no. the registration			Date of registration					
	Class F	Insert, if applicable, the number and date of any renewal of registration	Official reference no.	Day	Day Month		Year			
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#### **EXPLANATORY NOTE**

(This note is not part of the Rules)

These rules amend the Land Charges Rules 1974 to take account of the Family Law Act 1996 and the Civil Partnership Act 2004.

They replace outdated references to previous legislation with references to the Family Law Act 1996, and prescribe new forms for applications to register, renew and cancel land charges relating to home rights under that Act, as amended by the Civil Partnership Act 2004.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Land Registry, 32 Lincoln's Inn Fields, London WC2A 3PH.